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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 DANIEL MULHOLLAND,
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12 Plaintiff,

13 v.

14 PIERCE COUNTY, et al.,
15 Defendants.

Case No. C11-5459BHS/JRC

REPORT AND RECOMMENDATION
TO DENY IN FORMA PAUPERIS
STATUS AND DISMISS THE ACTION
WITHOUT PREJUDICE

NOTED FOR: July 15, 2011

16 This civil rights action filed pursuant to 42 U.S.C. § 1983 has been referred to the
17 undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local
18 Magistrate Judge Rules MJR 1, MJR 3, and MJR 4.

19 Before the court is a motion to proceed in forma pauperis (ECF No. 1). Plaintiff's inmate
20 account discloses an average spendable balance of one thousand two hundred and three dollars
21 and four cents. Plaintiff can afford the full filing fee of three hundred and fifty dollars and he is
22 not entitled to proceed in forma pauperis (ECF No. 1).

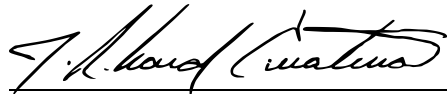
23 The district court may permit indigent litigants to proceed in forma pauperis upon
24 completion of a proper affidavit of indigence. See 28 U.S.C. § 1915(a). However, the court has
25 broad discretion in denying an application to proceed in forma pauperis. Weller v. Dickson, 314
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1 F.2d 598, 600 (9th Cir. 1963), *cert. denied*, 375 U.S. 845 (1963). Here, plaintiff is not indigent.

2 The court therefore recommends the application to proceed in forma pauperis be denied and
3 plaintiff be given thirty days to pay the full filing fee.

4 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have
5 fourteen (14) days from service of this Report to file written objections. See also Fed. R. Civ. P.
6 6. Failure to file objections will result in a waiver of de novo review by the District Court Judge.
7 See, 28 U.S.C. 636 (b)(1)(C). Accommodating the time limit imposed by Rule 72(b), the clerk is
8 directed to set the matter for consideration on July 15, 2011, as noted in the caption.
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10 Dated this 20th day of June 2011.

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13 J. Richard Creatura
14 United States Magistrate Judge
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